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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WELLS FARGO BANK, N.A.,
Plaintiff,
v.
LILIA E. DIZON and DOES 1-5,
Defendants.

No. C 11-05770 SI

**ORDER ADOPTING REPORT AND
RECOMMENDATION; DENYING
APPLICATION FOR IFP AS MOOT;
REMANDING TO STATE COURT**

The Court has reviewed *de novo* the files and records in this case, and the December 6, 2011 Report and Recommendation issued by Magistrate Judge Lloyd. No objection has been filed to Judge Lloyd's Report and Recommendation. The Court concurs in Judge Lloyd's findings and analysis, and concludes that defendant's request to proceed IFP should be denied as moot and this case should be summarily remanded back to the Santa Clara County Superior Court. Based on the "well-pleaded complaint rule," this Court does not have jurisdiction over the unlawful detainer action removed from state court and, as such, the case must be remanded.

IT IS SO ORDERED.

Dated: December 23, 2011



SUSAN ILLSTON
United States District Judge